

REFERENCE TITLE: supreme court; jurisdiction

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

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Introduced by
Representatives Gray C. Pearce

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI,
SECTION 5, CONSTITUTION OF ARIZONA; RELATING TO THE JUDICIAL DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article VI, section 5, Constitution of Arizona, is proposed to be
4 amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 5. Supreme court: jurisdiction: writs: rules: habeas
7 corpus

8 Section 5. A. The supreme court shall have:

9 1. Original jurisdiction of habeas corpus, and quo
10 warranto, mandamus, injunction and other extraordinary writs to
11 state officers.

12 2. Original and exclusive jurisdiction to hear and
13 determine causes between counties concerning disputed boundaries
14 and surveys thereof or concerning claims of one county against
15 another.

16 3. Appellate jurisdiction in all actions and proceedings
17 except civil and criminal actions originating in courts not of
18 record, unless the action involves the validity of a tax,
19 impost, assessment, toll, statute or municipal ordinance.

20 4. Power to issue injunctions and writs of mandamus,
21 review, prohibition, habeas corpus, certiorari, and all other
22 writs necessary and proper to the complete exercise of its
23 appellate and revisory jurisdiction.

24 5. Power to make rules relative to all procedural AND
25 EVIDENTIARY matters in any court, SUBJECT TO AMENDMENT OR REPEAL
26 BY THE LEGISLATURE.

27 6. Such other jurisdiction as may be provided by law.

28 B. Each justice of the supreme court may issue writs of
29 habeas corpus to any part of the state upon petition by or on
30 behalf of a person held in actual custody, and may make such
31 writs returnable before himself, the supreme court, appellate
32 court or superior court, or judge thereof.

33 C. THE SUPREME COURT SHALL NOT INFRINGE ON THE AUTHORITY
34 OF THE LEGISLATURE OR THE PEOPLE TO ENACT OTHERWISE
35 CONSTITUTIONAL SUBSTANTIVE, PROCEDURAL AND EVIDENTIARY LAWS TO
36 DEFINE, IMPLEMENT, PRESERVE AND PROTECT THE RIGHTS OF VICTIMS
37 UNDER ARTICLE II, SECTION 2.1 OF THIS CONSTITUTION OR TO CARRY
38 OUT ANY OTHER MATTER UNDER THIS CONSTITUTION. THE AUTHORITY TO
39 ENACT SUBSTANTIVE, PROCEDURAL AND EVIDENTIARY LAWS IS NOT A
40 POWER INHERENT IN THE JUDICIARY BUT IS A LEGISLATIVE POWER
41 INHERENT IN THE LEGISLATURE AND THE PEOPLE.

42 2. The Secretary of State shall submit this proposition to the voters
43 at the next general election as provided by article XXI, Constitution of
44 Arizona.